

"Provided that the proportion of the redemption money due the county shall be remitted to the treasury of the proper county by the Comptroller.

Adopted.

Senator Frank moved to

Amend by striking out in lines 2 and 3 "or that may be hereafter sold."

Adopted.

Senator Frank moved to strike out in line 7 down to the word "said" in line 7.

Adopted.

Senator Stephens moved to

Amend caption by inserting the word "been" between the words "have" and "sold," and strike out "that may hereafter be sold."

Adopted.

The bill, as amended, was ordered engrossed.

Senate bill No. 25, a bill to be entitled "An act to repeal chapter 8, and articles Nos. 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935 and 3936, of title 79, of the Revised Statutes of Texas," was laid before the Senate and

Read the second time.

Senator Claiborne moved to adjourn until 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—3.

Jarvis,  
Seale.

Lane,

NAYS—20.

Abercrombie,  
Allen,  
Armistead,  
Borges,  
Burney,  
Claiborne,  
Cranford,  
Frank,  
Harrison,  
Ingram,

Kimbrough,  
Maetze,  
McDonald,  
Pope,  
Simkins,  
Stephens,  
Townsend,  
Tyler,  
Upshaw,  
Woodward.

On motion of Senator Tyler

Senate bill No. 51, a bill to be entitled "An act to provide for the more efficient government and maintenance of the house of correction and reformatory at Gatesville, and to make an appropriation therefor," was made the special order for next Tuesday morning after call.

On motion of Senator Tyler

The Senate adjourned till 10 o'clock a. m. to-morrow.

## TWENTY-SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, February 7, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,

The reading of the Journal of yesterday was dispensed with.

### PETITIONS AND MEMORIALS.

By Senator Cranford:

Petition from citizens of Hunt county, asking for change of time of holding court in the Eighth judicial district.

Referred to Committee on Judicial Districts.

Petition from citizens of Hopkins county, asking for change of time of holding court in the Eighth judicial district.

Referred to Committee on Judicial Districts.

By Senator Johnson, by request:

Petition of citizens of Rains county, asking for change in the time of holding district court in the Eighth judicial district.

Referred to Committee on Judicial Districts.

By Senator Upshaw:

Petition of the citizens of Hill county in opposition to the occupation tax.

Referred to Committee on Finance.

By Senator McDonald:

Petition of citizens of Lamar county, asking for the repeal of the law requiring tax on honorable business pursuits.

Referred to Committee on Finance.

By Senator Ingram:

Petition of citizens of Nacogdoches

county, asking relief for parties holding veteran and confederate certificates barred by limitation.

Referred to Committee on Public Lands.

### REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 152, entitled "An act to grant a new charter to the city of Waco, authorizing the appropriation of the revenues of the city for the purpose of improving the public markets and streets and for the maintenance of public parks, erecting and constructing city hospitals, city hall, water works and gas works, and to borrow money upon the credit of the city, and to issue bonds therefor; to provide the manner of electing officers, time of holding elections, defining the duties of said officers, and granting general powers to enact all necessary ordinances to restrain and punish vagrants, mendicants, prostitutes; to regulate, punish or control all gambling, and to punish any other misdemeanor with as great a penalty as the same is punished by the Statutes of the State, etc.,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that House bill No. 368 be substituted therefor.

All of which is respectfully submitted.

CRANFORD,  
Chairman.

Bill read first time with substitute.

COMMITTEE ROOM,  
AUSTIN, February 5, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on State Affairs, to whom was referred

Senate bill No. 183, entitled "An act to enable the State to comply with the terms of its contract for the building of the new State Capitol in issuing patents to the contractor, and to refund certain moneys to the contractor which he has paid out for patents to the Commissioner of the General Land Office,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,  
Chairman.

Bill read first time.

By Senator Johnson:

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 100, entitled "An act to insure the collection of fines in misdemeanor cases and to make the officers charged with the collection thereof civilly and criminally liable for failure to collect the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JOHNSON,  
For Committee.

Bill read first time.

Senator McDonald sent up the following minority report:

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

The undersigned, a minority of Judiciary Committee No. 1, to whom was referred

Senate bill No. 100, entitled "An act to insure the collection of fines in misdemeanor cases, and to make the officers charged with the collection thereof civilly and criminally liable for failure to collect the same,"

Have had the same under consideration, and recommend that it do pass.

The enactment of the law proposed by the bill would result in the saving of a large amount of money now lost to the various counties in the State by reason of the lack of sufficient penalties for failure to collect fines in misdemeanor cases.

All of which is respectfully submitted.

MCDONALD.

By Senator Simpkins:

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 2 and substitute, entitled "An act to provide for revising, digesting and publishing the laws, civil and criminal, of State of Texas, together with its substitute for the same, entitled an act to authorize the Governor to purchase Sayles & Sayles' correct manuscript of all existing laws of Texas, civil and criminal,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the substitute do pass.

All of which is respectfully submitted.

SIMKINS,  
For Committee.

Bill read first time with substitute.  
Senator McDonald sent up the following minority report:

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

The undersigned, a minority of Judiciary Committee No. 1, to whom was referred, on recommitment,

Senate bill No. 2, entitled "An act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas,"

Together with the substitute for same, entitled:

"An act to authorize the Governor to purchase Sayles & Sayles' correct manuscript of all existing laws of Texas, civil and criminal,"

Have had the same under consideration and beg leave to recommend that the original Senate bill No. 2, as engrossed by the Senate, do pass.

The bill provides for such a criminal revision of the laws as is contemplated and authorized by the Constitution, and to be so revised and codified as to make them plain, concise and intelligible. The substitute provides for no revision at all, but simply for the purchase of a republication of an unauthorized version of the Statutes at large heretofore made by private enterprise.

All of which is respectfully submitted.

MCDONALD.

By Senator Woodward:

COMMITTEE ROOM,  
AUSTIN, February 7, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 215, entitled "An act to amend article 850, title 23, Revised Statutes, and to more clearly define the boundary line between Mason and McCulloch counties,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

WOODWARD,  
Chairman.

Bill read first time.  
By Senator McDonald:

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 77, entitled "An act to amend article 2389, chapter 3, title 41, of the Revised Civil Statutes of the State of Texas, in relation to the fees of district clerks of the district courts,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.  
Senator Frank sent up the following minority report:

COMMITTEE ROOM,  
AUSTIN, February 7, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

A minority of Judiciary Committee No. 1, to whom was referred

Senate bill No. 77, entitled "An act to amend article 2389, chapter 3, title 41, of the Revised Civil Statutes of the State of Texas, in relation to fees of clerks of the District Court, dissenting from the views of a majority of your committee, beg leave to file this minority report in support of said bill as proposed to be amended, and assign the following reasons for our support of said measure:

1. The material change this bill seeks to make in the present law, is in allowing clerks of the District Court pay for copying of citation, a very just and meritorious charge and one that common justice demands should be made. Other minor changes are made in the bill all just and meritorious, and such as should be enacted into a law; wherefore a minority of your committee ask that the majority report hereof reporting this bill unfavorably be rejected and this minority report be adopted, and this bill passed.

All of which is respectfully submitted.

FRANK,  
BURNES,  
TYLER.

By Senator McDonald:

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 176, entitled "An act to amend an act entitled an act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or allies, or for water mains or sewers, approved March 28, 1883,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 151, entitled "An act to amend sections 2, 3 and 5, of an act in relation to chattel mortgages and other instruments intended to operate as mortgages of or liens upon personal property, and the record thereof, approved April 22, 1879,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[The bill provides a simpler method of filing and providing chattel mortgages.]

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 186, entitled "An act to regulate fees of the clerks of the Supreme Court of the State of Texas," together with the following amendment, to-wit: "Provided, that when cases are referred by the Supreme Court to the Commission of Appeals,

it shall not be necessary to cite parties or their attorneys,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that when a case is transferred to the Commission of Appeals, the clerk of the Supreme Court shall charge a fee of one dollar for making such transfer.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 230, entitled "An act to amend the Revised Civil Statutes of the State of Texas, title 95, chapter 3, by adding thereto article 4705a, and to amend 4722 thereof,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[The bill provides that assessors, in assessing personal property, shall keep an alphabetical list of the persons so assessed, together a minute description of the locality of their residence so they may be found by the collectors.]

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 162, entitled "An act to amend section 1 of an act to protect mechanics, laborers and operatives on railroads against the failure of owners, contractors and sub-contractors or agents to pay their wages when due, and provide a lien for such wages, approved February 18, 1879, by section 2 thereto,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill makes the railroad company primarily responsible to the laborer for the work done for contractors and sub-contractors on such road. All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 125, entitled "An act to amend article 4822, title 97, of the Revised Civil Statutes of the State of Texas, and to add to said title article 4822a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be considered in connection with a similar one reported from the Committee on State Affairs, No. 179.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 165, entitled "An act to amend section 1, of an act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16 of the Constitution of the State of Texas, authorizing the passage of stock and fence laws, approved August 15, 1876,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be referred to Committee on Stock and Stockraising.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Referred to Committee on Stock and Stockraising.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 109, entitled "An act to prosecute judgments in the district and county courts from becoming dormant where execution issues within twelve months from the rendition thereof,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

Provisions set forth in the title.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 172, entitled "An act to amend article 2332, title 39, of the Revised Civil Statutes of the State of Texas, and to add an article to said title to be known as article 2332a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that the clerks of courts of record shall keep a docket in which executions and orders of sale shall be recorded. The bill further provides that when execution shall issue from one court for the sale of real estate, situated in another county, the return shall be made and recorded in the county where such levy is made.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 182, entitled "An act to amend chapter 8, title LXXXIV, of the Revised Civil Statutes of Texas, by adding thereto article 4205a, approved January 28, 1889,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that when any railroad company is sued for any prop-

erty occupied by it for railroad purposes, or for damages thereto, the court in which suit is pending may determine all matters in dispute between the parties, including the condemnation of the property.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 234, entitled "An act to amend chapter 2, title 28, of the Revised Civil Statutes by adding thereto articles 1157a 1157b, 1157c, 1157d, 1157e,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 197, entitled "An act to amend article 4520, of chapter 1, title 91, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that the sheriff shall have power to appoint deputies to the number of three in precinct where county site is situated and one additional for every five thousand inhabitants in the county. It further provides that deputies shall take the oath of office and such oath shall be recorded by the county clerk, together with the certificate of the officer administering the same.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 138, entitled "An act to amend article 2389, chapter 3, title 41, of the Revised Civil Statutes of the State of Texas, in relation to the fees of the clerks of district courts,"

Have had the same under consideration, and instruct me to report it back to the House with the recommendation that it be considered in connection with Senate bill No. 77.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 177, entitled "An act to amend articles 1636 and 1637, and to add articles 1637a, 1637b, 1637c, 1637d, 1637e to article 1637, chapter 16, title 32, of the Revised Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 124, entitled "An act to amend chapter 26 of title 37, of the Revised Civil Statutes of the State of Texas, by adding thereto article 2143a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that upon the settlement of estate, the remainder belonging to any minor heir shall be paid over to the county treasurer for the benefit of such heir, and the exec-

utor or administrator shall be discharged.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 187, entitled "An act to amend chapter 4, title 17, of the Revised Civil Statutes of the State of Texas, by adding thereto article 410a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides for the hiring out of city convicts.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

House bill No. 3, entitled an "Act to amend article 4759, chapter 4, title 95, of the Revised Civil Statutes of the State, of Texas by adding thereto a new article to be styled, "article 4759a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 99, entitled "An act to amend article 2916, title 55, chapter 1, of the Revised Civil Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides for other invest-

ments of insurance companies than those now allowed.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time and

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 130, entitled "An act to authorize minors to bring suits by next friend, and to provide for the disposition of funds that may be recovered in such suits and to define the duties of next friend,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the provisions as set forth in the title.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 232, entitled "An act to amend article 1535, chapter 1, title 32, of the Revised Civil Statutes of the State of Texas, and to repeal section 1, chapter 98, of the General Laws, passed by the Nineteenth Legislature, approved March 31, 1885,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

[The bill provides that justices of the peace shall give but one bond for the offices of justice of the peace and notary public.]

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Substitute House bills Nos. 8, 62, 126

and 143, entitled "An act to provide for giving notice of attachment levied upon real estate,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass.

The provisions of the bill are set forth in the title.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 231, entitled "An act to amend articles 2383 and 2386, title 42, chapter 3, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

Senator Townsend sent up the following

#### MINORITY REPORT.

*Hon. T. B. Wheeler, President of the Senate*

A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 231, beg leave to dissent from the report of a majority of said committee, and recommend that said bill do pass, with proper corrections, for the following reasons, to-wit:

Because said bill seeks to compensate county judges for certain services required of them by law in probate matters, for which they are now inadequately compensated.

The duties of these officers in probate matters are onerous and the responsibilities grave. Much more so than that of any other of the officers of the court, and notwithstanding this fact the compensation of sheriffs and clerks, in such matters, is much greater than that realized by county judges.

Respectfully submitted.

TOWNSEND,  
FRANK.

COMMITTEE ROOM,  
AUSTIN, February, 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 180, entitled an "Act to amend article 1234, title 29, chapter 6, of the Revised Civil Statutes of the State of Texas,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted,

MCDONALD,  
Chairman.

Bill read first time.

Senator Lane gave notice of his intention to file a minority report on this bill.

COMMITTEE ROOM,  
AUSTIN, February 6, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 206, entitled "An act to amend articles 13, 18 and 19 of an act entitled an act to redistrict the State into judicial districts, and to create the Forty-fourth judicial district of the State of Texas, fix the time for holding courts therein, etc.,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be referred to Committee on Judicial Districts.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

#### BILLS AND RESOLUTIONS.

By Senator Simkins:

A bill to be entitled "An act to create a State Board of Health for the better protection of life and health and the prevention of the spread of diseases in the State of Texas."

Referred to Committee on Public Health.

By Senator Armistead:

A bill to be entitled "An act to restore and confer upon the county court of Cass county the civil and criminal jurisdiction heretofore belonging to said county under the Constitution and General Statute Laws of the



State, to conform the jurisdiction of district court to such change and to repeal all laws in conflict with the provisions of this act."

Referred to Judiciary Committee No. 1.

By Senator Simkins:

A bill to amend "article 1389 of Revised Statutes by limiting the operation of said article to persons under disability."

Referred to Judiciary Committee No. 1.

By Senator Cranford:

A bill to be entitled "An act to prescribe the time of holding district court in the Eighth judicial district of Texas."

[This bill provides that said court be held as follows after June 7, 1889:

Rains county—First Monday in January and second Monday in September, and may continue in session three weeks.

Hunt county—Fourth Monday in January and first Monday in June, and may continue in session seven weeks.

Hopkins county—Seventh Monday after fourth Monday in January and third Monday after second Monday in September, and may continue in session seven weeks.

Delta county—Fourteenth Monday after fourth Monday in January and tenth Monday after second Monday in September, and may remain in session three weeks.

And that it shall take effect from and after its passage.]

Referred to Committee on Judicial Districts.

By Senator Woodward:

A bill to be entitled "An act to repeal sections 5 and 6 of an act to create a Bureau of Agriculture for the State of Texas, and to add it to the Department of Insurance, Statistics and History; to properly designate said department and its head; to prescribe the duties belonging to it relating to agriculture, approved April 1, 1887."

Referred to Committee on Agricultural affairs.

By Senator Tyler:

A bill to be entitled "An act to amend article 4466 of the Revised Civil Statutes of the State of Texas."

[This bill seeks to increase the annual salary of the Superintendent of Public Buildings from twelve hundred to two thousand dollars.]

Referred to Committee on Public Buildings and Grounds.

By Senator Stephens, by request:

A bill to be entitled "An act to add article 1693a to chapter 5, of title 34, of the Revised Civil Statutes of Texas."

[This bill seeks to have tickets in all elections printed by the county or State, and that no tickets be used except those furnished to the voters by the officers of election.]

Referred to Judiciary Committee No. 1.

By Senator Atlee, by request:

A bill to be entitled "An act to amend chapter 3, title 17, of the Penal Code, by adding thereto article 684a."

[This bill provides that any person who shall fish or hunt within any enclosed lands not his own without the permission of the owner shall be subject to a fine of not less than ten nor more than one hundred dollars.]

Referred to Judiciary Committee No. 2.

By Senator Pope:

A bill to be entitled, "An act to ratify and confirm the title of the Gulf, Colorado and Santa Fe Railway Company to the Central and Montgomery railroads, extending from Navasota to Montgomery, and to the Chicago, Texas and Mexican Central Railroad, extending from Cleburne to Dallas, and to property of companies which constructed the same and to authorize the Gulf, Colorado and Santa Fe Railway Company to own and operate said roads under its own charter."

Referred to committee on Internal Improvements.

By Senator Tyler:

A bill to be entitled "An act to provide for appeals in certain cases from the action of commissioners' courts sitting as a board of equalization."

Referred to Judiciary Committee No. 1.

On motion of Senator Abercrombie, The special order was suspended, and

House concurrent resolution, providing for a joint committee to visit the State institutions of learning,

Was laid before the Senate.

On motion of Senator Abercrombie, The resolution was adopted by the Senate and returned to the House.

On motion of Senator Harrison, The Constitutional rule was suspended, and

House bill No. 368, a bill to be entitled "An act to incorporate the city of Waco and to define its boundaries

and powers," was laid before the Senate by the following vote:

YEAS—26.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Johnson,	

NAYS—None.

The bill was read the second time and passed to its third reading.

On motion of Senator Harrison,

The constitutional rule was further suspended, and the bill was placed on its third reading and final passage, by the following vote:

YEAS—26

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—1.

Johnson,

Bill read third time and passed by the following vote:

YEAS—26.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Field,	Simkins,
Frank,	Stephens,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward.

NAYS—None.

ABSENT—1.

Upshaw.

Senate bill No. 21, a bill to be entitled "An act to provide for the better assessment of personal or movable property in the State of Texas liable or subject to taxation under the laws of this State," being the special order, was laid before the Senate and read the third time.

Senator Lane moved to

Amend section 5 of the bill by striking out of line 6, of said section, the words "horses, cattle, hogs," and by striking out the words, "drawing interest" after the word "kind" in line 5, and by adding to said section the following: "The provisions of this act shall not apply to live stock, nor to household effects or jewelry kept for and worn upon the person, but all such property shall be rendered as is now provided by law."

The amendment was lost by the following vote:

YEAS—14.

Abercrombie,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Pope,
Field,	Townsend,
Johnson,	Upshaw,
Kimbrough,	Woodward.

NAYS—12.

Allen,	Jarvis
Armistead,	Morris,
Atlee,	Seale,
Cranford,	Simkins,
Harrison,	Stephens,
Ingram,	Tyler.

ABSENT—1.

Frank.

Senator Upshaw moved to Amend by striking out all in line 7, section 1, beginning with the word "describing" down to the word "commercial," in line 9.

(Senator Burges in the chair.)

(The President in the chair.)

Senator Kimbrough moved the previous question.

Seconded.

The main question was ordered.

Senator Upshaw's amendment was lost by the following vote:

YEAS—5.

Jarvis,	Simkins,
Maetze,	Upshaw.
Morris,	

## NAYS—18.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Atlee,	Lane,
Burges,	Pope,
Claiborne,	Seale,
Cranford,	Stephens,
Field,	Townsend,
Frank,	Tyler,
Harrison,	Woodward.

## ABSENT—4.

Armistead,	Johnson,
Burney,	McDonald.

The Senate refused to pass the bill by the following vote:

## YEAS—11.

Claiborne,	Sims,
Field,	Stephens,
Frank,	Townsend.
Kimbrough,	Tyler,
Lane,	Woodward.
McDonald,	

## NAYS—12.

Abercrombie,	Jarvis,
Allen,	Maetze,
Atlee,	Morris,
Burges,	Seale,
Cranford,	Simkins,
Harrison,	Upshaw.

## ABSENT—5.

Armistead,	Johnson,
Burney,	Pope.
Ingram,	

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 7, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I beg to inform the Senate that the House has adopted a concurrent resolution providing for the appointment of a joint committee of five from the House and three members of the Senate to visit some place to be named by the Governor of Kansas at the time designated by said Governor.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, February 7, 1889.

*Hon. T. B. Wheeler, President of the Senate.*

SIR—I am directed to inform the

Senate that the House has passed substitute Senate bill No. 6, a bill to be entitled "An act to amend article 191, chapter 2, title 9, of the Revised Civil Statutes of the State of Texas."

W. M. IMBODEN,  
Chief Clerk House of Representatives.

Senate bill No. 25, a bill to be entitled "An act to repeal chapter 8 and articles Nos. 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935 and 3936 of title 79, of the Revised Statutes of Texas,"

Was laid before the Senate as unfinished business and ordered engrossed.

Senator Claiborne called up the following

## HOUSE CONCURRENT RESOLUTION.

WHEREAS, The people of Texas, especially the stockgrowers, have become satisfied that there exists a beef and pork combine or trust, having for its or their domicile Chicago, Illinois, Kansas City, Missouri, and, perhaps, in other States, but operating in many dark and devious ways in the State of Texas, to the almost utter destruction of the stock interests in this State. Said combine or trust is believed to be directly responsible for the low prices that prevail for their beef products, the price now obtained for such products being but little, if any, in advance of the actual cost of production; and,

Whereas, It is desirable that the operations of said combine or trust should be fully investigated and such legislation enacted as will tend to protect the great stockgrowing interests of this State and the people at large against the iniquitous purpose and intent of said combine or trust; and,

Whereas, The State of Kansas, has, by a concurrent resolution of its Senate and House of Representatives, now in session, invited the co-operation of the State of Texas, and other states interested, in assisting them by concert of action in all the States, to destroy, as far as possible, the said combine and trust, and to that end to meet at such place and time as may be designated by the Governor of the State of Kansas, in a convention of members from the Legislatures of the several States interested; therefore,

*Be it resolved by the House of Representatives of Texas, the Senate concurring, That the Speaker of the House of Representatives shall appoint five members of the House to act with*

three members of the Senate, to be appointed by the President thereof, whose duty it shall be to proceed to the place hereinafter to be named by the Governor of Kansas, at the time designated by him, there to represent the State of Texas in the convention of States hereinbefore mentioned.

*Resolved*, That the actual expenses and mileage of said committee be paid for out of the contingent fund of the Twenty-first Legislature.

On motion of Senator Field,

The resolution was postponed till to-morrow.

Senator Harrison moved to reconsider the vote by which the Senate passed

House bill No. 368, a bill to be entitled "An act to incorporate the city of Waco, and to define its boundaries and powers."

Adopted.

On motion of Senator Abercrombie,

The Senate adjourned till 10 o'clock a. m. to-morrow by the following vote:

#### YEAS—14.

Abercrombie,	McDonald,
Allen,	Morris,
Armistead,	Pope,
Claiborne,	Seale,
Frank,	Simkins,
Ingram,	Upshaw,
Jarvis,	Woodward.

#### NAYS—9.

Burges,	Lane,
Cranford,	Stephens,
Field,	Townsend.
Harrison,	Tyler.
Kimbrough,	

#### ABSENT—4.

Atlee,	Johnson,
Burney,	Maetze.

### TWENTY-SEVENTH DAY.

SENATE CHAMBER,  
AUSTIN, February 8, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the Chair.

Roll called.

Quorum present.

Prayer by the Rev. T. B. Lee.

On motion of Senator Claiborne,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Lane,

The Secretary, C. M. Boynton, was excused for yesterday and to-day, on account of sickness.

On motion of Senator Seale,

Senator Morris was excused for to-day, on account of sickness.

On motion of Senator Harrison,

Senator Maetze was excused indefinitely, on account of sickness in his family.

On motion of Senator Pope,

The Sergeant at Arms, W. T. Brewer, was excused for five days.

The President gave notice of signing, and did sign in open session of the Senate,

Substitute Senate bill No. 6, "An act to amend article 191, chapter 2, title 9, of the Revised Civil Statutes of the State of Texas."

#### PETITIONS AND MEMORIALS.

By Senator McDonald:

A petition of citizens of Lamar county in opposition to the occupation tax.

Referred to Committee on Finance.

By Senator Jarvis:

Petition of R. L. Carlock, relative to services as attorney in case against Masonic Mutual Association.

Referred to Committee on State Affairs.

By Senator Harrison:

Petitions from citizens of Falls county, requesting the passage of a railroad commission law.

Referred to Committee on Internal Improvements.

By Senator Burges:

Petition of citizens of Blanco county on the subject of removal of county sites.

Referred to Committee on Counties and County Boundaries.

#### REPORTS OF STANDING COMMITTEES

By Senator Cranford:

COMMITTEE ROOM,  
AUSTIN, February 7, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 24, being "An act to extend the time within which